

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CENTRAL STATES, SOUTHEAST AND	)	
SOUTHWEST AREAS PENSION FUND;	)	
and Charles A. Whobrey., as Trustee,	)	
	)	
<i>Plaintiffs,</i>	)	Case No. 21-cv-03795
	)	
v.	)	Judge
	)	
SOURCEONE EVENTS, INC.,	)	Magistrate Judge
an Illinois Corporation,	)	
	)	
<i>Defendant.</i>	)	
	)	

**COMPLAINT**

Plaintiffs, Central States, Southeast and Southwest Areas Pension Fund and Charles A. Whobrey, one of its present trustees, for a cause of action against Defendant SourceOne Events, Inc. allege as follows:

**JURISDICTION AND VENUE**

1. This is an action for collection of withdrawal liability, interest, and penalties incurred by an employer as a result of a withdrawal from a multiemployer pension plan.
2. This action arises under the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (“MPPAA”), 29 U.S.C. §1001 *et seq.* This Court has jurisdiction over this action under sections 502(e), 502(f), and 4301(c) of ERISA, 29 U.S.C. §§ 1132(e), 1132(f) and 1451(c).
3. Venue lies in this Court under sections 502(e)(2) and 4301(d) of ERISA, 29 U.S.C. §§ 1132(e)(2) and 1451(d), in that the Central States, Southeast and Southwest Areas Pension Fund (the “Pension Fund”) is administered at its principal place of business in Chicago, Illinois. Venue is

also proper in this Court pursuant to the forum selection clause contained in the Pension Fund's Trust Agreement which designates this district as the appropriate forum for lawsuits to collect withdrawal liability.

### **PARTIES**

4. The Pension Fund is a multiemployer pension plan within the meaning of sections 3(37) and 4001(a)(3) of ERISA, 29 U.S.C. §§ 1002(37) and 1301(a)(3).

5. Plaintiff Charles A. Whobrey is a present trustee and fiduciary of the Pension Fund within the meaning of section 3(21)(A) of ERISA, 29 U.S.C. § 1002(21)(A), and he and his fellow trustees are the plan sponsor of the Pension Fund within the meaning of section 4001(a)(10) of ERISA, 29 U.S.C. § 1301(a)(10). The Trustees administer the Pension Fund at 8647 West Higgins Road, in Chicago, Illinois.

6. Pursuant to sections 502(a)(3) and 4301(a)(1) of ERISA, 29 U.S.C. §§ 1132(a)(3) and 1451(a)(1), the Trustees, by and through their designated trustee Charles A. Whobrey, are authorized to bring this action on behalf of the Pension Fund, its participants and beneficiaries for the purpose of collecting withdrawal liability.

7. Defendant SourceOne Events, Inc. ("SourceOne") is a corporation organized under the laws of the State of Illinois.

### **CLAIM FOR RELIEF**

8. Plaintiffs hereby reallege and incorporate each and every allegation made in paragraphs 1 through 7 of this Complaint as though fully set forth herein.

9. During all relevant times, SourceOne was bound by collective bargaining agreements entered into with a certain local union affiliated with the International Brotherhood of Teamsters,

under which SourceOne was required to make contributions to the Pension Fund on behalf of certain of its employees.

10. The Pension Fund determined that on or about June 30, 2019, SourceOne permanently ceased to have an obligation to contribute to the Pension Fund and/or permanently ceased all covered operations, thereby effecting a “complete withdrawal” from the Pension Fund within the meaning of section 4203 of ERISA, 29 U.S.C. § 1383.

11. As a result of this complete withdrawal, the Pension Fund determined that SourceOne incurred withdrawal liability to the Pension Fund in the principal amount of \$1,602,756.34, as determined under section 4201(b) of ERISA, 29 U.S.C. § 1381(b).

12. On or about October 5, 2020, SourceOne received a notice and demand for payment of the withdrawal liability issued by the Pension Fund in accordance with sections 4202(2) and 4219(b)(1) of ERISA, 29 U.S.C. §§ 1382(2) and 1399(b)(1). In the notice and demand, the Pension Fund informed SourceOne that it was required to discharge its withdrawal liability in a single lump sum payment or in 240 monthly payments of \$2,988.45 commencing on November 1, 2020 and ending on October 1, 2040.

13. On or about April 22, 2021, SourceOne initiated arbitration pursuant to section 4221(a) of ERISA, 29 U.S.C. § 1401(a), to challenge the withdrawal liability.

14. Pursuant to sections 4219(c)(2) and 4221(d) of ERISA, 29 U.S.C. §§ 1399(c)(2) and 1401(d), withdrawal liability payments must be made in accordance with the schedule set forth by the plan sponsor notwithstanding any request for review or demand for arbitration.

15. SourceOne has failed to make all of the withdrawal liability payments in accordance with the schedule set forth by the Pension Fund.

16. SourceOne is liable to the Pension Fund for its past due monthly withdrawal liability payments.

**WHEREFORE**, Plaintiffs request the following relief:

(a) A judgment against Defendant, and on behalf of Plaintiffs, pursuant to sections 502(g)(2) and 4301(b) of ERISA, 29 U.S.C. §§ 1132(g)(2) and 1451(b), for:

- (i) all past due withdrawal liability payments as of the date of judgment;
- (ii) interest computed and charged at an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which interest is charged;
- (iii) an amount equal to the greater of interest on the past due withdrawal liability payments or liquidated damages of 20% of the past due withdrawal liability payments; and
- (iv) attorney's fees and costs.

(b) An order compelling Defendant to make its future withdrawal liability payments in accordance with the payment schedule determined by the Pension Fund;

(c) Post-judgment interest computed and charged on the entire judgment at an annualized interest rate equal to two percent (2%) plus the prime interest rate established by JPMorgan Chase Bank, NA for the fifteenth (15th) day of the month for which interest is charged, compounded annually; and

(d) Such further or different relief as this Court may deem proper and just.

**[Signature Page Follows]**

Respectfully submitted,

/s/ Daniel Sullivan

Daniel E. Sullivan

(ARDC #6330522)

CENTRAL STATES FUNDS

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ATTORNEY FOR PLAINTIFFS

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